

REMARKS

In the advisory action, claims 1, 3, 5, 7 to 10, 13, and 15 to 24 were pending in the application. The rejection under 35 U.S.C. §112, second paragraph of Claims 3, 13, and 20 was maintained. The anticipation rejection of Claims 1, 3, 5, 8 to 10, 13, 15, 16, 18 to 21, and 24 was maintained and the obviousness rejection of Claims 7, 17, 22 and 23 was maintained.

Claims 1, 3, 8, 10, 13, 18, and 21 are amended. In particular, the generic format independent interface has been clarified as the generic data format independent interface. This amendment was inherent when the claims were interpreted in view of the specification and so should not affect the patentability of the claims.

Claims 3, 13, and 21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated:

The claims generally recite two data formats including a second format and a third format. These are overlapping ranges and as such, render the claim indefinite. For examining purposes only, second and third will be interpreted as first and second.

Applicants respectfully traverse the § 112, second paragraph rejection of Claim 3. Claim 3 recites:

determining data formats supported by said device wherein said data formats includes at least **two data formats including at least a second data format and a third data format**;

. . . .
building a filter using said rule set . . . wherein said filter converts said source data from a **first data format to said second data format** (Emphasis Added).

Thus, Claim 3 first stated "at least two data formats." This is properly interpreted that a minimum of two data formats are included, and that there may be additional data formats e.g., three, six or whatever. The total number of data formats is not of concern. Rather, the claim recited that two particular formats, a second and a third, are included.

Section 112, second paragraph requires that one of skill in the art be able to deter the metes and bounds of the invention when the claims are interpreted in view of the level of skill in the art and the specification. In Claim 3, the data formats are given two names, a second data format and a third data format. This identifies two data formats and says nothing about any total number of formats. In fact if the device supported the first data format, the data format of the source as recited in the claim, there would be no need for a conversion, which would be clearly understood by those of skill in the art. Those of skill would understand that two data formats supported by the device are being identified as second and third data formats.

Further, when the claim is read as a whole, the claim further defines that the source data has "a first data format." Thus, according to the claim, the device supports a second data format and a third data format, and the second data format is selected, e.g., a particular one of the two supported formats is selected. Accordingly, Applicants again request reconsideration and withdrawal of the 112, second paragraph rejection of Claim 3.

With respect to the §112, second paragraph rejection of Claim 13, Claim 13 recites:

receiving a request for data having a **first format** from a process requiring data in one of at least two data formats including at least a **second format** and a **third format**; (Emphasis Added.)

Again, Claim 13 properly distinguishes between three data formats. The two data formats in the at least two data formats are assigned specific names so that reference can be made to them later in the claim as desired. The above comments concerning Claim 3 are directly applicable and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the §112, second paragraph rejection of Claim 13.

With respect to the § 112, second paragraph rejection of Claim 20, Claim 20 does not contain the rejected language. Thus, Applicants have interpreted the rejection as being directed to Claim 21. The above comments with respect to Claim 3 are directly applicable to Claim 21 and are incorporated herein by reference. Applicants respectfully request reconsideration and withdrawal of the §112, second paragraph rejection of Claim 21.

Claims 1, 3, 5, 8 to 10, 13, 15, 16, 18 to 21, and 24 remain rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,012,098, hereinafter referred to as Bayeh.

Applicants respectfully traverse the anticipation rejection of Claim 1.

With respect to the anticipation rejection of Claim 1, the final rejection stated in part:

Bayeh teaches a partial filter library as part of the server (col. 7, ll 36 to 38).

The advisory action stated, "The use of "library" instead of "registry" does not change the rejection fo [Sic] the claims. Bayeh does teach a collection of filters (servlets) and a registry is defined as such."

Applicants respectfully submit that this demonstrates an improper claim interpretation, use of improper standard for an anticipation rejection, and an improper reading of the prior art reference. First, the MPEP requires:

Office personnel are to correlate each claim limitation to all portions of the disclosure that describe the claim limitation. This is to be done in all cases, i.e., whether or not the claimed invention is defined using means or step plus function language. The correlation step will ensure that Office personnel correctly interpret each claim limitation.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. (Emphasis added.)

MPEP § 2106 C., 8th Ed., Rev. 2, p 2100-8, (May 2004).

The above comments with respect to a registry and a library show that directive of the MPEP has not been followed.

Moreover, characterizing a registry and/or a library as a mere "collection of filters" is not supported by citation to either Bayeh or Applicants' disclosure.

The description clearly distinguishes between a library, e.g., element 126, and a registry, e.g., element 127. Thus, to treat the two interchangeably, as the advisory action and the rejection appear to do, means that the terms have not been interpreted as required by the above section of the MPEP. Further, reducing a registry to a gist "a collection filters" is an improper level of analysis.

Applicants further note that while the examiner is permitted to interpret claim limitations broadly, the MPEP puts specific bounds on such an interpretation. Specifically,

**CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE
INTERPRETATION**

During patent examination, the pending claims must be "given *>their< broadest reasonable interpretation consistent with the specification."

MPEP § 2111 8th Ed. Rev. 2, p 2100-46 (May 2004).

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.

MPEP § 2111 8th Ed. Rev. 2, p 2100-47 (May 2004).

**>Claim terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art.

MPEP § 2111.01, II., 8th Ed. Rev. 2, p 2100-48 (May 2004).

One of skill in the art in reading Applicants disclosure would ascertain that a library is different from a registry. In addition, this interpretation would be consistent with how the words are commonly used by those of skill in the art. Based upon the definition of a registry given in the advisory action, the Windows registry would be a collection of hardware and software, which is clearly not the case. A collection of hardware could not be stored on a disk. If the Examiner continues to equate the two and use the definition of registry given in the advisory action, the Examiner is respectfully requested to cite with specificity a reference that supports such an interpretation. Thus, as stated above, interpreting a filter registry as a filter library as was done in the quoted sections from the final rejection and the advisory action demonstrates that an improper claim interpretation was done.

Second, as previously pointed out, Col. 7, lines 36 to 38 of Bayeh taught:

The servers pertinent to the present invention have one or more "servlets" 84 running on the server machine.

The cited portion of Bayeh does not mention or teach anything concerning a library and does not define a collection of servlets. Applicants note that while this is an anticipation rejection and not an obviousness rejection, the MPEP further directs:

**FACT THAT REFERENCES CAN BE COMBINED OR MODIFIED IS NOT
SUFFICIENT TO ESTABLISH PRIMA FACIE OBVIOUSNESS**

MPEP § 2143.01, 8th Ed. Rev. 2, p.2100-131, (May 2004).

Since Bayeh as quoted above teaches "one or more "servlets" 84 running on the server machine," to change this to a library of servlets or even a collection of servlets would require a modification to the teachings of the reference and so the rejection based upon the above quote from the MPEP would not be sufficient for an obviousness rejection, because no motivation from taking running servlets and placing them in a library has been given. Moreover, the definition used changes from a library in the final rejection to a collection of applets in the advisory action. Since the rejection cannot meet the requirements for an obviousness rejection, the rejection cannot possibly comply with the more stringent requirement for an anticipation rejection, e.g., "The elements must be arranged as required by the claim." Since the elements in the reference are not arranged as stated in the rejection, the rearrangement from running on a server to a library demonstrates that the rejection is not well founded.

Next, the advisory action stated

There is no explicit definition of a "generic format independent interface" in the disclosure, but it appears to define merely an API for use with filters. Java servlets have such interfaces.

Applicants respectfully note that this does not refute the remarks in the response to the final office action that Bayeh failed to teach how data is transferred and instead reduces the claim language to a gist "an API." Claim 1 recites:

. . . a generic data format independent interface and
said generic data format independent interface is used in

passing data from one partial filter adapter in said plurality of partial filter adapters to another partial filter adapter

Thus, the data is passed from partial filter adapter to partial filter adapter by a generic interface that is data format independent. The claims recited that each partial filter adapter in the plurality has this generic interface.

The fact that an applet has an API teaches nothing about how that API transfers data or even that each applet has the same API. In addition, Bayeh is required to teach this generic interface to the same level of detail as recited in the claim, and not simply the gist based information added to the teachings of Bayeh. The MPEP requires that Bayeh show the identical invention **in as complete detail** as is contained in the claim. The fact that the advisory modifies Bayeh and adds information to Bayeh amounts to a modification of the teachings of Bayeh, which is inappropriate in an anticipation rejection. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 1.

With respect to the anticipation rejection of Claim 3, the advisory action failed to address the fact that the final rejection failed to consider each claim limitation and show that each claim detail was taught in Bayeh to the same level of detail as recited in the claim. The remarks in the final office action response concerning Claim 3 are incorporated herein by reference. In addition, the above remarks for Claim 1 with respect to the registry and the generic format independent interface are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 3.

Claim 5 depends from Claim 3 and so distinguishes over Bayeh for at least the same reasons as Claim 3. The remarks in the final office action response concerning Claim 5 are incorporated herein by reference. Applicants request

reconsideration and withdrawal of the anticipation rejection of Claim 5.

With respect to the anticipation rejection of Claim 8, the advisory action failed to address the remarks concerning Claim 8 in the response to the final office action. The remarks in the final office action response concerning Claim 8 are incorporated herein by reference. Applicants further note that the recitation of Claim 8 is different from that in Claim 1, for example, but the rejection in each case cites the same teaching of Bayeh. This is direct evidence that explicit claim limitations have not been considered. In addition, the above remarks for Claim 1 with respect to the registry and the generic format independent interface are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 8.

Claim 9 depends from Claim 8 and so distinguishes over Bayeh for at least the same reasons as Claim 8. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 9.

Claim 10 includes limitations similar to Claim 1 and so the above remarks with respect to Claim 1 are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 10.

Claim 13 includes selecting one data format from at least two data formats supported by a process. Thus, the above comments with respect to Claim 3 are also applicable to Claim 13 and are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 13.

Claims 15 to 17 depend from Claim 13 and so distinguish over Bayeh for at least the same reasons as Claim 13. Applicants request reconsideration and withdrawal of the anticipation rejection of each of Claims 15 to 17.

Claim 18 includes limitations similar to Claim 8 and so the above remarks with respect to Claim 8 are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 18.

Claim 19 depends from Claim 18 and so distinguishes over Bayeh for at least the same reasons as Claim 18. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 19.

With respect to the anticipation rejection of Claim 20, Applicants previously stated:

Bayeh fails to suggest or teach the novel filter server with the elements recited in Claim 20. The Examiner explicitly stated "The remainder of the components of the structure have no function claimed, and therefore are considered non-functional descriptive data."

No citation to the MPEP was provided for ignoring explicit claim limitations. Therefore, the rejection itself demonstrates that the rejection is not well founded. The filter server is defined by the elements recited. To anticipate, Bayeh must teach these elements at least to the same level recited in the claim. The reject fails to assert that Bayeh does this.

The advisory action failed to indicate why these remarks were not persuasive. Accordingly, Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 20.

Claim 21 includes limitations similar to Claim 3 and so the above remarks with respect to Claim 3 are incorporated herein by reference. Applicants request reconsideration and withdrawal of the anticipation rejection of Claim 21.

With respect to the anticipation rejection of Claim 24, Applicants previously stated:

...Bayeh, Col. 9, lines 64 to Col. 10, line 15 is not describing comparing data formats but rather a way to chain servlets. Specifically, Bayeh first taught:

When a servlet chain is to be used for processing a client request, there are two ways

currently known in the art to trigger the chained processing: (1) "servlet aliasing" or (2) Mime types. Bayeh, Col. 9, lines 39 to 42.

Bayeh, Col. 9, lines 64 to Col. 10, line 15 described "Mime types" and how this chaining is accomplished. There is no description of comparing data formats, but rather selecting servlets so that the output of one servlet is in a format that can be input to next servlet. Thus, Bayeh fails to show the identical invention **in as complete detail** as is contained in the claim.

The advisory action failed to indicate why these remarks were not persuasive. Accordingly, Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 24.

Claims 7, 17, 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Garshol, "Free XML Software," (12/15/1999).


Assuming arguendo the combination of references is correct and the Examiner's interpretation of the secondary reference is correct, the additional information cited by the Examiner fails to overcome the basic deficiencies of Bayeh as noted above for the claims upon which each of Claims 7, 17, 22 and 23 depend. Therefore, Applicants request reconsideration and withdrawal of the obviousness rejection of each of Claims 7, 17, 22 and 23.

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Claims 1, 3, 5, 7 to 10, 13, and 15 to 24 remain in the application. Claims 1, 3, 8, 10, 13, 18, and 21 are amended. Claims 2, 4, 6, 11, 12, and 14 were canceled previously. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 5, 2005.



Attorney for Applicant(s)

August 5, 2005
Date of Signature

Respectfully submitted,



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